

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PIERRE CARL BERGERE,  
Petitioner,  
vs.  
D. W. NEVEN, et al.,  
Respondents.

Case No. 2:12-CV-00250-GMN-(CWH)

10 The court dismissed this action because mail from the court to petitioner was returned.  
11 Order (#3). Petitioner has filed a motion for reconsideration (#6). After reviewing the record, the  
12 court concludes that the mail was returned because petitioner's prison identification number was  
13 incorrect on the envelopes. The court will reinstate this action.

14 What has been docketed as an application to proceed in forma pauperis (#1) actually is just a  
15 financial certificate. However, it is clear from the certificate that petitioner is unable to pay the  
16 filing fee. The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section  
17 2254 Cases in the United States District Courts, and the court will serve the petition upon  
18 respondents for a response.

19 IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (#6) is  
20 **GRANTED**. This action is **REINSTATED**, and the order (#3) and judgment (#4) dismissing this  
21 action are **VACATED**.

22 IT IS FURTHER ORDERED that the application to proceed in forma pauperis (#1) is  
23 **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

24 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of  
25 habeas corpus pursuant to 28 U.S.C. § 2254.

26 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney  
27 General for the State of Nevada, as counsel for respondents.

28 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a

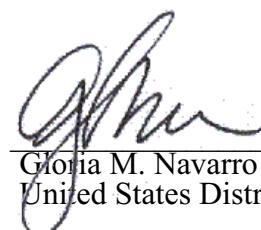
1 copy of the petition. In addition, the clerk shall return to petitioner a copy of the petition.

2 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date  
3 on which the petition was served to answer or otherwise respond to the petition. If respondents file  
4 and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases  
5 in the United States District Courts, and then petitioner shall have forty-five (45) days from the date  
6 on which the answer is served to file a reply.

7 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a  
8 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments  
9 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits  
10 in the attachment. The hard copy of any additional state court record exhibits shall be  
11 forwarded—for this case—to the staff attorneys in Las Vegas.

12 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if  
13 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or  
14 other document submitted for consideration by the court. Petitioner shall include with the original  
15 paper submitted for filing a certificate stating the date that a true and correct copy of the document  
16 was mailed to the respondents or counsel for the respondents. The court may disregard any paper  
17 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper  
18 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

19 DATED this 24th day of May, 2012.



20  
21 Gloria M. Navarro  
22 United States District Judge  
23  
24  
25  
26  
27  
28